

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHESTER HARDY,

Plaintiff,

vs.

No. 11-CV-13072-DT

Hon. Gerald E. Rosen

DEBRA SCUTT, et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on February 23, 2015

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

This Section 1983 prisoner civil rights matter having come before the Court on the February 5, 2015 Report and Recommendation of United States Magistrate Judge Mona K. Majzoub recommending that the Court grant the motion for summary judgment filed by Defendants Karen Ibarra, R.N. and Corizon Health, Inc.;¹ and no objections to the Magistrate Judge's Report and Recommendation having been timely filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation and the Court's entire file of this action, and having concluded that, for the reasons stated in the Report

¹ The Court previously dismissed Plaintiffs' claims against all of the other named defendants. [See Dkt. Nos. 34, 62.] Only the claims against Defendants Ibarra and Corizon Health remain at issue in this action.

and Recommendation, Defendants' motion for summary judgment should be granted and this case should, accordingly, be dismissed in its entirety, with prejudice; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of February 5, 2015 [Dkt. # 71] be, and hereby is, **ADOPTED** by this Court. Accordingly,

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants Karen Ibarra, R.N. and Corizon Health, Inc.'s Motion for Summary Judgment [Dkt. # 65] be, and hereby is, **GRANTED**, and Plaintiff's Request for an Independent Examination by an Eye-Care Expert [Dkt. # 58] and his Motion to Compel Discovery [Dkt. #. 63] are **DENIED, AS MOOT**.

Defendants Ibarra and Corizon Health being the only remaining defendants in this action,

IT IS FURTHER ORDERED that Plaintiff's Complaint be, and hereby is, **DISMISSED** in its entirety.

IT IS FURTHER ORDERED that, based on the reasons set forth in the Magistrate Judge's Report and Recommendation of February 5, 2015, as well as her previous R&Rs of May 7, 2012 [Dkt. # 30] and April 16, 2014 [Dkt. # 54], this Court certifies that any appeal by Plaintiff would be frivolous and not in good faith. 28 U.S.C. § 1915(a).

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: February 23, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 23, 2015, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135